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54. (Amended) The system of claim 52, wherein billing identification number comprises an ANI number.

REMARKS

I. Introduction

In the Office Action of April 23, 2002, each of the independent claims (Claims 27, 44, and 45) was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fleischer, III et al. (U.S. Patent No. 5,974,133) in view of London (U.S. Patent No. 5,590,184) and further in view of Staples et al. (U.S. Patent No. 5,889,845). Applicants respectfully request reconsideration and withdrawal of these rejections since the proposed combination does not teach each and every element recited in the claims.[1]

II. The Claims Are Patentable over the Proposed Combination

Each of the independent claims contains an element that relates to automatically modifying a calling party identification number to an identification number of a group associated with the calling party.[2] In the Office Action, it was admitted that Fleischer, III et al. fails to teach this element. In an attempt to cure this deficiency, Fleischer, III et al. was combined with London and Staples et al. However, neither London nor Staples et al. teaches the recited element.

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[1] In this Amendment, Applicants have amended Claim 54 to correct a typographical error.

[2] Claim 27: "(b) automatically modifying the calling party identification number to an identification number of a group associated with the calling party"

Claim 44: "means for automatically modifying the calling party identification number to an identification number of a group associated with the calling party"

Claim 45: "a service control point operative to automatically modify a calling party identification number to an identification number of a group associated with the calling party in response to a query"

A. London Does Not Teach the Recited Element

London is directed to a system that protects the privacy of a calling party. In operation, when a calling party goes off-hook, the system automatically modifies the calling party identification number to a randomly-selected telephone number that is not assigned to any party. London refers to this number as a "non-assigned number." When a called party receives a call from the calling party, the called party's Caller ID box displays the randomly-selected number instead of the calling party's actual telephone number. Because the non-assigned number is not assigned to any party, the number is not in any way associated with the calling party. Accordingly, the called party cannot discern the identity of the calling party, thereby securing the calling party's privacy.

Unlike the system in London which uses a number that is not associated with the calling party, the claims require that the calling party identification number be modified to an identification number of a group ***associated with the calling party***. The non-assigned number in London is not an "identification number of a group associated with the calling party," as recited in the claims, because the non-assigned number is randomly generated and is not assigned to any party, much less a group associated with the calling party. Indeed, the very purpose of London is to use a number that is not associated in any way with the calling party in order to secure the calling party's privacy. If the calling party identification number were modified to an identification number of a group associated with the calling party (*e.g.*, the calling party's work number), as required by the claims, the called party would be given information that can be used to determine the identity of the calling party.

Because London fails to teach automatically modifying a calling party identification number to an identification number of a group associated with the calling party, London fails to cure the admitted deficiency in Fleischer, III et al.

B. Staples et al. Does Not Teach the Recited Element

Staples et al. is directed to a system in which a remote corporate telecommuter can make outgoing business calls. In the Office Action, it was asserted that the inherent result of such a system is that any information or data related to a call received at the destination terminal display unit would include corporate information such as corporate ANI or identification. Applicants respectfully disagree.

It is a basic principle of patent law that for a teaching to be inherent in a reference, the teaching must be ***necessarily*** present in the reference. Inherency may not be established by probabilities or possibilities, and the mere fact that a certain thing may result from a given set of circumstances is not sufficient. *See Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268-69 (Fed. Cir. 1991). Here, the asserted teaching is not necessarily present in Staples et al. When a telecommuter makes outgoing business calls, the destination terminal display unit does not necessarily display information relating to the business. For example, the destination terminal display unit can display information relating to the individual caller, as is conventionally done, or can display a randomly-generated number, as is done in London. Because there is more than one possibility, the asserted teaching is not necessarily present in Staples et al. Further, as mentioned above, the mere fact that information relating to a business *may* be displayed on a destination terminal display unit is insufficient to make such a teaching inherent in Staples et al.

III. Conclusion

Because both London and Staples et al. fail to cure the admitted deficiency in Fleischer, III et al., the 35 U.S.C. § 103(a) rejections of the pending claims must be withdrawn. If the Examiner has any questions concerning this Amendment, he is invited to contact the undersigned attorney at (312) 321-4719.

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Respectfully submitted,

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